

GEHRING & SATRIALE LLC  
Louis R. Satriale, Jr. (LS-5027)  
Joseph E. Gehring, Jr. (JG-8178)  
The Lincoln Building  
60 East 42<sup>nd</sup> Street, Suite 817  
New York, New York 10165  
(212) 400-7420  
(212) 400-7440 (fax)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREDDY M. MOROCHO, WALTER TACURE on  
behalf of themselves and others similarly situated,

Plaintiffs,

-against-

GEORGE C. KELLY and  
NYACK COLONIAL CAR WASH, INC.,

Defendants.

07 Civ. 2979 (CLB) (MDF)

ELECTRONICALLY FILED

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that pursuant to Rules 12 and 56 of the Federal Rules of Civil Procedure, Defendants George C. Kelly and Nyack Colonial Car Wash, Inc. will make a motion before this Court, before the Hon. Charles L. Brieant, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, for an Order dismissing the complaint or, in the alternative, granting summary judgment in favor of Defendants and for such other and further relief as the Court may deem just and proper, together with costs and disbursements of this motion and this action.

Dated: June 15, 2007

GEHRING & SATRIALE LLC

By: \_\_\_\_\_ s/  
Joseph E. Gehring, Jr. (JG8178)

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New York, New York 10165  
(212) 400-7420  
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Attorneys for Defendants